

APPEAL NO. 022607
FILED NOVEMBER 27, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 16, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fifth quarter, from June 7 through September 5, 2002. The claimant appealed on sufficiency of the evidence grounds. The respondent (carrier) responded urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not satisfy the good faith requirement in the qualifying period for the fifth quarter of SIBs either by demonstrating that she had no ability to work or by demonstrating that she conducted a good faith job search. The hearing officer was not persuaded that the evidence presented by the claimant was sufficient to satisfy the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)). The hearing officer was persuaded by the claimant's testimony that she had some ability to work during the qualifying period in dispute. Nothing in our review of the hearing officer's determination in that regard reveals that it is so against the great weight as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We likewise find no error in the hearing officer's determination that the claimant did not satisfy the requirement of conducting a good faith job search. As the hearing officer noted, the claimant did not document a job search for each week of the qualifying period and in accordance with the express language of Rule 130.102(e), her job search does not rise to the level of a good faith search. Given our affirmance of the hearing officer's determination that the claimant did not satisfy the good faith requirement under either Rule 130.102(d)(4) or 130.102(e), we likewise affirm the determination that the claimant is not entitled to SIBs for the fifth quarter.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Veronica Lopez
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

CONCUR IN THE RESULT:

Gary L. Kilgore
Appeals Judge